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>>> <KBromb6@aol.com> 09/18/97 09:08am >>>

Subj : Re: Amended HAPs Proposal

Date: 09/17/97

To: HOFMANN.ANGELA@EPAMAIL.EPA.GOV

CC: kelly.tom@epamail.epa.gov, leukroth.richard@epamail.epa.gov,  
damon.dozier@sba.gov

Date: September 18, 1997 REVISED

To: Angela Hofmann

From: Kevin Bromberg

Subject: TSCA Size Standards - TSCA Chemical Test Rule

Thanks for your inquiry on the small business definition ( As you know, I need more work to do.)

You asked whether EPA could substitute the TSCA \$40 million standard/ 100,000 pounds for the SBA size standard. First, when was this standard last updated for inflation? Second, based on about \$300,000/employee for the chemical industry (approximate figure for firm sales/employment for firms with 500 or less employment or firms with 500 or more), the SBA size standards would translate into annual sales of \$ 150 million (revised math) or more.

Everything being equal, SBA is unlikely to find that the EPA standard should be a factor of 4 lower than the SBA size standard.

Third, since definitions are often rule-specific, we would need to examine the draft regulatory analysis before giving informed comments.

When is the draft rule being sent to OMB? Has it already gone?

Is it subject to SBREFA? I understand that the insulation manufacturers believe that SBREFA does apply, and that their industry is adversely affected by the test rule for COS, because only six small firms (SBA definition) will be spending about \$1 million between them (9/3 letter from NAIMA to Charlie Auer).

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